

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Enoch Yisrael) Case No.
Ovadejah Yisrael)
13321 Shaw Ave.) Judge:
East Cleveland, OH 44112)
Plaintiffs,) COMPLAINT
) JURY TRIAL DEMAND
-vs-)
)
The Plain Dealer Publishing Co.)
4800 Tiedeman Avenue)
Brooklyn, OH 44144)
)
And)
)
The Newspaper & Magazine Drivers)
Local 473)
6511 Eastland Rd.)
Brook Park, OH 44133)
)
Defendants.)

COUNT I - TITLE VII

1. This is an action under Title VII of the Civil Rights Act of 1964, (Title VII), as amended, 42 U.S.C. 2000e etc. and the Civil Rights Act of 1991, for injunctive and declaratory relief and money damages for Defendant's violation of Plaintiff's rights and the Civil Rights Acts of 1866 and 1870, embodied in 42 U.S.C. § 1981, as well as Ohio state law claims.
2. Jurisdiction of this Court to hear and determine these claims is based on 28 U.S.C. § 1331 and 28 U.S.C. § 1343 etc. and those statutes cited herein.
3. Supplemental and/or "pendant" jurisdiction is invoked pursuant to 28 U.S.C. § 1337 to hear matters arising under state law.
4. A declaratory judgment is sought pursuant to 28 U.S.C. §§ 2201 and § 2202.

5. Venue is proper in this Court as all the acts complained of herein occurred in Ohio, within the jurisdiction of this Court.

6. The Plaintiffs are African American males and practice Judaism. They reside in East Cleveland, Ohio and worked and continue to work for the Defendant The Plain Dealer and are members of the defendant Local 473 since October 31, 2018 as packaging service employees during which time they were and continue to be subject to differing terms and conditions of employment than other employees because of their religion and/or race.

7. Plaintiffs timely filed their charge of discrimination with the Equal Employment Opportunity Commission (EEOC) on April 11, 2019 and again at the request of the EEOC on May 31, 2019 in which the EEOC asked them to file separate charges against each of the defendants in which they alleged to each that because of their religion and/or race they were treated differently with respect to job assignments and were otherwise harassed by the defendants alone or in conjunction with each other. A copy of the charges filed subsequently are marked as Exhibits A, B, C and D and are attached hereto.

8. Plaintiffs received notice of their Right to Sue from the EEOC on or about March 10, 2020 giving them the right to file suit within ninety (90) days. Copies of those notices are attached as Exhibits E and F.

9. As a result of Defendant's actions and inactions, Plaintiff suffered lost wages and benefits, promotional opportunities and other compensatory damages, including emotional distress.

COUNT II - 42 U.S.C. § 1981

10. Plaintiffs hereby reassert the foregoing allegations and incorporates them by reference as if fully set forth herein.

11. The continuing actions and inactions articulated above violate the Civil Rights Acts of 1866 and 1870, embodied in 42 U.S.C. § 1981, which guarantee that all persons within the jurisdiction of the United States shall have the same rights of all laws and proceedings for the security of persons and property as is enjoyed by white citizens.

12. Plaintiffs state as a direct and proximate result of the intentional and malicious and/or wanton and reckless actions and/or inactions of Defendants, they have suffered the damages set out previously.

13. These continuing actions and/or inactions by Defendants were based on Plaintiffs race and/or color in violation of 42 U.S.C. § 1981.

14. The violation of 42 U.S.C. § 1981 entitle Plaintiffs to the damages set out in the preceding cause of action, as well as under 42 U.S.C. § 1988.

COUNT III - OHIO RACE, SEX AND RELIGIOUS DISCRIMINATION, O.R.C. § 4112.99

15. Plaintiffs hereby reassert the foregoing allegations and incorporates them by reference as if fully set forth herein.

16. Plaintiffs bring this action under Ohio Revised Code § 4112.99 which prohibit acts of employment discrimination in Ohio on the basis of race and religion.

17. Defendants violated Ohio law in the manner previously set out herein.

COUNT IV - OHIO COMMON LAW

18. Plaintiffs incorporate the preceding causes of action and the related paragraphs as if fully written herein.

19. Plaintiffs bring this action under the Court's pendent powers to herein enforce violations of Ohio's common law. The acts which Plaintiffs complain in the preceding causes of action are in violation of the Ohio Civil Rights Act and the prohibiting discrimination on the basis of race and religion and are in violation of Ohio Common law.

DEMAND FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

- A. Declare the policies and practices of the Defendants, as described herein to be unlawful and in violation of federal and state law.
- B. Grant Plaintiffs a permanent injunction, prohibiting Defendants from engaging in any policy or practice which discriminate on the basis of race, sex or age.
- C. Order Defendants to make Plaintiffs whole, with appropriate back pay, front pay and benefits, in amounts to be determined at trial as well as his seniority.
- D. Award compensatory and emotional distress damages in an amount to be proven at trial and under state law in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00).
- E. Award Plaintiffs pre-judgment and post judgment interest on all sums awarded.
- F. Award Plaintiffs the costs of this action, including costs and reasonable attorneys' fees; and
- G. Grant such other legal and equitable relief as is necessary and proper, including reasonable attorney fees.

Respectfully submitted,

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JURY TRIAL DEMANDED

Plaintiffs request a jury trial on all questions of fact raised by his Complaint.

/s/ Alan I. Goodman

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